



# UNITED STATES PATENT AND TRADEMARK OFFICE

*len*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,369	09/30/2003	Herbert M. Wildfeuer	062891.1167	5981
5073	7590	03/23/2007		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER NGUYEN, PHUONGCHAU BA	
			ART UNIT	PAPER NUMBER
			2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/23/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/23/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mike.furr@bakerbotts.com  
ptomail1@bakerbotts.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,369	<b>Applicant(s)</b> WILDFEUER ET AL.	
	<b>Examiner</b> Phuongchau Ba Nguyen	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 13-15 and 29 is/are rejected.
- 7) ☒ Claim(s) 4-6, 10-12, 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Claim Rejections – 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-9, 13-15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,327,276 to Robert et al.

**Regarding claims 1, 7, 13 and 19,**

Robert teaches a method and system for managing a multicast conference call, comprising the steps of, and elements, logic and means for: receiving a plurality of signals (e.g., receiving signals from the network, see col. 2, line 49) at a local endpoint (e.g., at a client, see col. 2, lines 46-65) participating in a multicast conference call (e.g., see col. 2, lines 46-65 regarding multicast signal and see col. 3, line 65 - col. 4, line 29 regarding conference call) among the local endpoint and one or more remote endpoints (e.g., other clients), the plurality of signals comprising a local signal and one or more remote signals (e.g., see col. 2, lines 46-65 regarding signals transmitted to a plurality of clients and mixed in the multicast signal), the local signal associated with the local endpoint (e.g., see col. 6, lines 52-67 regarding the particular client), each remote signal associated with a remote endpoint (e.g., client on WAN, see col. 5, lines 33-42) of the one or more remote endpoints (e.g., clients on WAN, see col. 5, lines 33-42); determining, at the local endpoint, a plurality of metric ratings (e.g., identifying client as active or not, see

Art Unit: 2616

col. 6, lines 1-25), each metric rating reflecting an importance of a signal of the plurality of signals (e.g., whether the signal is for the particular client which received the multiplexed signal, see col. 6, lines 1-67), the plurality of metric rating comprising a local metric rating (e.g., energy level present, see col. 6, line 34) and one or more remote metric ratings (e.g., according to which clients are talking and which are silent, see col. 6, lines 40-51), the local metric rating corresponding to the local signal (e.g., signal intended for the particular client), each remote metric rating corresponding to a remote signal of the one or more remote signals (e.g., according to which clients are talking and which are silent, see col. 6, lines 40-51); comparing the local metric rating and the one or more remote metric ratings (e.g., via mixer 372, see col. 6, lines 49-51); and selecting a subset (e.g., selecting the adjusted signals) of the plurality of signals according to the comparison in order to manage the multicast conference call (e.g., see col. 5, line 44 - col. 6, line 67).

**Regarding claims 2, 8 and 14**, Robert teaches steps, elements and logic for mixing the remote signals of the subset of the plurality of signals (e.g., via mixer, see col. 6, lines 26-51); and outputting the mixed remote signals of the subset of the plurality of signals (e.g., via creating the multicast signal, see col. 6, lines 26-51).

**Regarding claims 3, 9 and 15**, Robert teaches steps, elements and logic for determining if the subset of the plurality of signals comprises the local signal (e.g., see col. 3, line 65 - col. 4, line 29 and col. 6, lines 52-67 regarding the client receiving the multicast signal); and transmitting the local signal if the subset of the plurality of signals comprises the local signal (e.g., see col. 6, lines 52-67 regarding the particular client removing its own component from the multicast signal and transmitting the multicast signal).

### ***Allowable Subject Matter***

3. Claim 20 is allowed.

Art Unit: 2616

4. The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest a method such as that described in independent claim 20 which comprises steps for establishing one or more metric values for a signal according to an appended metric to the signal; generating a metric vector for each signal and applying a function to each metric vector to generate a metric rating for each signal; and identifying a predetermined number of highest ranked metric ratings and selecting the signals according to the highest ranked metric ratings as recited in.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Claims 4-6, 10-12, 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or fairly suggest a method, system and logic such as that described in independent claims 1, 7 and 13, respectively, which further comprises steps, elements and/or logic for establishing one or more metric values for a signal according to an appended metric to the signal; generating a metric vector for each signal and applying a function to each metric vector to generate a metric rating for each signal; or identifying a predetermined number of highest ranked metric ratings and selecting the signals according to the highest ranked metric ratings as recited in 4-6, 10-12, 16-18.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,717,921 to Aggarwal et al. and U.S. Patent Application Publication No. 2002/0186827 by Griffiths each disclose methods for managing multicast conference calls.

*Response to Arguments*

8. Applicant's arguments filed 12-22-6 have been fully considered but they are not persuasive.

A/. Applicant argued Robert (6,327,276) fails to teach “determining, at the local endpoint, a plurality of metric ratings, each metric rating reflecting an important of a signal of the plurality of signals.”

In reply, applicant is directed to column 6, lines 1-25 wherein the server synchronizes the data packets from the various received signals to compensate for the small variations in arrival time (corresponding to “determining at the local point (server) a plurality of metric ratings”), then sending a single multicast signals having scaled signals (reflected from the scaled level of the individual signals, which is corresponding to the “important of a signal of the plurality of signals”). Thus, claimed limitations had met the teaching in Robert, col.6, lines 1-25.

*Conclusion*


9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Phuongchau Ba Nguyen  
Examiner  
Art Unit 2616

  
HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600